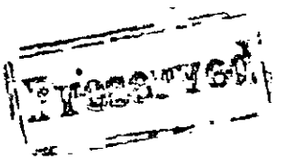
P8

G. R. S. IX-5]

Previous references.



1918

(Police)

File No. 190-18

Serial Nos. 1-2

Later references.

Rev (124-19(3,6,7 & 14 & 22)

142-23 (1-6)

52-26-12

136-26-1

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for May 19.

SUBJECT.

Resolution of the Govt of India re certain amendments of the Indian Army Act and the Rules thereunder

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Ref) From, the F. A R.
No 3469 Dy 3.5.19
Fds copies of the above for information

Ref) To, the Inspr Genl of Police in Mysore
No G 26316 Dy 23.5.19
Fds for information a copy —

Chs
30/5

W D 1250—GPB—30,000 - 28-1-19

1565

G. R. S. III—1] 1918-19

GENERAL AND REVENUE SECRETARIAT.

(Pol)

NOTES.

File No. 190-1

FILE HEADING.

Resolution of the Govt of India Regarding Certain Amendments to the Indian Arms Act and the Rules Thereunder

From

The J.A. Resident—

No. 3469 Dated 3.5.19 Received 5.5.19

Diary No. 1565 | Enclos. 2 Spare Copies. | Serial No. 1

BRIEF ABSTRACT OF LETTER.

forwards copies of the above for information

NOTES AND ORDERS.

Two Copies have been received

If approved, one Copy with be forwarded to the I.G. of Police and he will be requested to state if it is necessary to amend the Mysore Arms Law Manual and if so, to what extent—

Submitted with a Copy of the Arms Law Manual and Supplement 6 of.

NOTES—First Sheet. 5. 5. 19

8.5.19

1593

G. R. S. III-2.

General and Revenue Secretariat. 201 File No. 190 of 1918.

Serial No.

The qualifications for being treated as persons of approved character & status have been specified in para 4 (5), and the changes in the rules are applied in Sub-para (7) of the same para.

Correspond^g changes have been made in the rules also.

Please put up draft to this D.O. D. M. 10/5

Submitted with draft 5/5 6/5 7/5

Draft letter inviting the opinion of the A.G.P. is submitted for approval

D. M. 15/5.

15/16-5-19 I Member

We may await the modification of the Rules & Schedules as stated to have been undertaken before making changes in our own rules.

Meanwhile it will be sufficient to send a copy of the Draft & the D.O. for information to Draft. already sent

15/5/19

NOTE—Contn. sheet

1765 2

G. R. S. III-2.

General and Revenue Secretariat.

File No. 150 of 1918.

Serial No.	
2	To The D. C. Police No C 26316 dt 23.5.1919 Forwards for information a copy of the Resolution of the Govt of India re certain amendments to the Indian Arms Act and the rules thereunder

B 27/5

21 MAY 19

Enc. 2

F 1460 & 2
3/5/19

Chief Secy
MAY 1919

3469

9159 C

MYSORE RESIDENT'S OFFICE,

Bangalore, 3rd May 1919 Pol

190-18

A copy of the marginally* noted ~~letter, with enclosure~~ Resolution, is forwarded with compliments to the Chief Secretary to the Government of His Highness the Maharaja of Mysore for information.

with a spare copy

No. 2125-C dated 21-3-19 of the Government of India, Home Department.

5/5/19

for *First Assistant Resident.*

R. O. 178 (a).—R. P. B.—2-1919.—1,000.

No. 2125-C.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

POLICE.

Delhi, the 21st March 1919.

RESOLUTION.

For many years past the administration of the Indian Arms Act has been the subject of adverse criticism, mainly because European and East Indian subjects of His Majesty are exempted from the obligation to take out licenses for the possession of firearms, while Indians, outside certain privileged classes, have to apply for licenses and even if successful in their applications, can in most cases obtain them only after enquiries as to their status and character. The Government of India have for some time past been anxious to remove this racial discrimination and to minimise the delays and inconvenience which necessarily attend the present system of administering the law, and they have had prolonged correspondence with local Governments on the details of this intricate and difficult subject.

2. Some critics of the existing system demand the repeal of the Act, or in the alternative its administration on a purely fiscal basis, whereby any one desiring a license could secure it without question, on payment of the prescribed fee. The Government of India doubt whether the serious objections to so simple a solution of the problem have been fully realised by those who advocate it. In their responsibility for the maintenance of order and tranquillity the Government of India are bound to take into account the effect which an unrestricted dissemination of firearms throughout the country-side might have upon serious crime. They cannot overlook the likelihood of such weapons being freely used in the dacoities, faction fights, and agrarian and religious riots which figure so frequently in the records of our criminal courts. In more than one province firearms illicitly obtained have during recent years played an appreciable part in serious crime, and the Government of India cannot contemplate with equanimity the similar use of such weapons in other provinces. They apprehend that if there were no restrictions on the possession of firearms by lawless characters, such an increase in crimes of violence might ensue as would endanger the security of the country, and that it would be necessary largely to increase the number of armed police and to improve their equipment.

3. The Government of India have decided, therefore, that the question cannot be dealt with on these lines. They have considered the possibility of abolishing all exemptions and requiring every one from the highest authorities downwards to take out a license for the possession of firearms. Enquiries showed the objections to this course. There is every reason to believe that a general cancellation of exemptions would be regarded as withdrawing a valued privilege if not as a mark of mistrust.

4. After repeated examination of the question the Government of India decided that the best chance of solving the problem lay first in rigidly restricting the number of exempted persons and secondly in arranging that persons of recognised status and character should, without distinction of race, ordinarily be entitled to obtain licenses for the possession of firearms without enquiry or delay. While details were still under discussion the following resolution was moved in the Imperial Legislative Council and accepted by Government on the 19th September 1918 :—

"This Council recommends to the Governor-General in Council that a Committee of official and non-official members of this Council be appointed to consider and report to the Governor-General in Council to what extent the Indian Arms Act and the rules thereunder can be amended".

The whole question was then laid before a Committee composed partly of official and partly of non-official members of the Council, and the Government of India are now in a position to formulate the conclusions reached after examination of the report of this Committee. These are as follows :—

(1) All arms other than firearms and also firearms of an obsolete character possessing a purely antiquarian value will be exempted from all the prohibitions and directions contained in the Arms Act, except in Burma, the Punjab and the North-West Frontier Province, provided that any local Government may retain the existing restrictions for particular weapons or in particular areas where such a course is necessary in the interests of law and order.

(2) All distinctions of a racial character will be abolished, but a restricted schedule of exempted persons as appended hereto will still be retained, the privilege being subject to the same restrictions in respect of the number and description of weapons as at present.

(3) Exempted persons will not be required to register their weapons but power will be reserved to the Government of India and the local Governments and Administrations to require the registration of rifles, revolvers and pistols in the possession of such persons where necessary.

(4) The great land-holders included in entry (6) of the schedule appended, who at present enjoy exemption in respect of weapons in the possession of their retainers, will in future be allowed exemption in respect of a fixed number of retainers whose weapons will be registered annually as retainers' weapons, their number and description only being specified.

(5) To persons of approved character and status licenses for the possession of rifles (other than those of prohibited bores) and smooth bores will ordinarily be issued on application and without previous enquiry. It will be for local Governments to prescribe for each province the qualifications entitling any person to this privilege, but subject to any such orders the Government of India consider that the following qualifications should be sufficient :—

(*i*) Membership of any order established by the Crown, or the possession of a title conferred or recognised by the Government of India or of the Kaiser-i-Hind Medal or a certificate of honour.

(*ii*) Membership, past or present, of the Indian or a Provincial Legislative Council or inclusion in the list of Provincial Darbaris.

(*iii*) Payment of not less than R1,000 per annum land revenue or R250 in road and public works cesses.

(*iv*) Payment of income-tax on an income of not less than R3,000 for a period of three years.

(*v*) Being a Government officer in receipt of not less than R250 per month.

(*vi*) Being a commissioned or gazetted officer of His Majesty's Military or Naval Forces or His Majesty's Indian Marine Service or a commissioned Indian officer of the Imperial Service Troops in active service.

(*vii*) Being a pensioned officer who before retirement was by virtue of his official position included in any of the classes described in (*v*) or (*vi*) above.

(6) Persons who have hitherto enjoyed exemption but are not included in the new schedule of persons exempted will be required to take out licenses, but it will be open to the local Government to treat them as entitled to the privilege described in clause (5) above, provided that there is no race discrimination.

(7) The following changes will be made in the rules regulating the issue of licenses :—

(*i*) Licenses for revolvers and pistols will be issued only in cases of real necessity and to persons of approved character, the fee being fixed at an enhanced rate of ₹10 except in the North-West Frontier Province where no change will be made.

(*ii*) For a license in Form XVI the fee will be raised to ₹5 for each breech-loading weapon but will remain unchanged for muzzle-loaders.

(*iii*) Licenses will be granted, if so desired, for an extended period of three years on a compounded fee subject to the existing conditions regarding the report of loss and transfer of the weapon, and subject further to the proviso that the local authorities shall have the right to enquire whether the weapon for which a license has been granted is still in the possession of the license-holder.

(*iv*) Special instructions will be issued to afford facilities to agriculturists to obtain licenses for the protection of crops or cattle and to secure that they are not withheld without good cause.

(*v*) Licenses, other than those for the protection of crops or cattle, when issued at the license-holder's place of permanent residence will be valid throughout British India, except Burma, Assam and the North-West Frontier Province, subject to any restrictions that may be necessary in regard to any particular province.

(*vi*) Licenses will not only be issued by District Magistrates but also by such Sub-Divisional Officers as the local Government may specially empower in this behalf. For the purposes of enquiry preliminary to the issue of a license, other agencies will, where possible, be employed in addition to or in substitution for the police.

The necessary modification of the rules and schedules in order to give effect to these decisions is now being undertaken, but in order to give persons, who are exempted at present but will not be exempted in future, time to adjust themselves to the new conditions, the changes in the list of exempted persons and the enhancement of fees will not take effect until 1st January 1920.

ORDER.—Ordered that a copy be forwarded to all the local Governments and Administrations and to all Departments of the Government of India.

ORDERED further that the Resolution be published in the Supplement to the *Gazette of India*.

J. H. DuBOULAY,

Secretary to the Government of India,
Home Department.

DRAFT SCHEDULE OF EXEMPTED PERSONS.

The persons or classes of persons specified or described in the first column of the subjoined table are exempted, in respect of the arms and ammunition described in the second column, when carried or possessed (save where otherwise expressly stated) for their own personal use, from such prohibitions and directions contained in the Act as are indicated in the fourth column, subject to the provisos and restrictions entered in the third column, and to the further condition that the Government of India or the local Governments within their respective jurisdictions, may require the registration of rifles, revolvers, pistols and ammunition for the same.

THE TABLE.

Persons or classes of persons.	Arms and ammunition.	Provisos and restrictions.	Prohibitions and directions.
(1) The Viceroy and Governor-General of India, the Commander-in-Chief in India, the Governors of Madras, Bombay and Bengal, the Lieutenant-Governors of the United Provinces of Agra and Oudh, the Punjab, Burma and Bihar and Orissa, the Chief Commissioners of the Central Provinces, Assam and Delhi, members of the executive Councils of the Governor-General, Governors and Lieutenant-Governors, *First Class Residents, Chief Justices and Puisne Judges of High Courts, Judges of Chief Courts and Judicial and Additional Judicial Commissioners.	All except— (*a*) Cannon. (*b*) Articles designed for torpedo service. (*c*) War rockets. (*d*) Rifles of ·303 or ·450 bore other than rifles of such bores lawfully imported into British India, and ammunition which can be fired from the same. (*e*) Machinery for the manufacture of arms or ammunition. (*f*) Appliances the object of which is the silencing of firearms.	.....	Those contained in sections 13 to 16.
(2) (*a*) Every Ruling Prince or Chief. (*b*) Such members of the families of Ruling Princes or Chiefs and such nobles, officials, or accredited agents of a State in India as may be designated by the local Government or Political Officer concerned, on the occasion of his or their entering, passing through, or residing in British India with his or their retinues to such numbers as may in each case be agreed to, by the Political Officer concerned, under the special or general orders of— (*i*) The Government of India. (*ii*) The local Governments in respect of Ruling Princes or Chiefs whose political relations are with those Governments, respectively.	Ditto	This exemption shall be subject to such condition (if any) as may be prescribed by the local Government or the Political Officer, as the case may be, and may, where necessary, be of a general nature dispensing with the necessity of a fresh order on each occasion.	Ditto.
(3) Every Maharaja, Raja or Nawab whose title has been conferred or recognized by Government and every Peer, Baronet, Knight Bachelor and Knight of any Order established by the Crown.	Ditto	The arms or ammunition carried or possessed by any person herein exempted shall be of such descriptions only and shall not exceed such quantities, if any, as— (*a*) the Government of India, or (*b*) a local Government in respect of the territories administered by it or subject to its control, may declare to be reasonable for him to carry or possess.	Ditto.

*(1) Hyderabad.
(2) Mysore.
(3) Central India.
(4) Rajputana & Ajmer-Merwara.
(5) Baluchistan.
(6) North-West Frontier Province.

This omits the Political Resident in the Persian Gulf, who is outside India.)

Persons or classes of persons.	Arms and ammunition.	Provisos and restrictions.	Prohibitions and directions.
(4) Every Consul and Consular Agent.	All except – (*a*) Cannon (*b*) Articles designed for torpedo service. (*c*) War rockets. (*d*) Rifles of ·303 or ·450 bore other than rifles of such bores lawfully imported into British India, and ammunition which can be fired from the same. (*e*) Machinery for the manufacture of arms and ammunition. (*f*) Appliances the object of which is the silencing of firearms.	The arms or ammunition carried or possessed by any person herein exempted shall be of such descriptions only and shall not exceed such quantities (if any) as— (*a*) the Government of India, or (*b*) a local Government in respect of the territories administered by it or subject to its control may declare to be reasonable for him to carry or possess.	Those contained in sections 13 to 16.
(5) Every person of Coorg race, and every Jumma tenure holder in Coorg, who, by his tenure, is liable to perform military or police duties.	Ditto	Ditto	Ditto.
(6) The following persons and their retainers namely:— (*a*) The ancient Zamindars and Poligars of the Madras Presidency; every Malikhana holder in the Malabar district; the Prince of Arcot and M. R. Ry. A. L. A. R. R. M. Arunachalam Chettiar Avargal, Zamindar of Devakottai in the Ramnad district and Mahant of Tirupati in the North Arcot district of the Madras Presidency. (*b*) The first class Sardars of the Deccan and Southern Maratha Country States, the first class Sardars of Gujarat and such members of the Talpur family and Jagirdars and Zamindars in Sind as the Government of Bombay may designate. (*c*) The great Zamindars of Bengal, Bihar and Orissa and of Assam. (*d*) The great Sardars and Jagirdars of the Punjab. (*e*) Shan Sawbwas and other Chiefs in Burma. (*f*) (*i*) The Zamindars of the scheduled districts of the Central Provinces. (*ii*) The Dewan of Seoni. (*iii*) The Bhuskute of Timarni and Burhanpur. (*iv*) The senior representative of the family of the Rao of Saugor, and (*v*) The head of the junior branch of the Bhonsla family, known as the Kuar Sahib. (*g*) Rao Udaibir Singh of Gopalpura, Jalaun, in the United Provinces.	Ditto	This exemption shall be subject to— (*a*) the orders of the local Government regarding the persons to be included in this category, the number of retainers and the quantity and description of arms and ammunition to be permitted in each case, the purposes for which such arms may be carried, and (*b*) the maintenance of a register showing the number and description only of the retainers' weapons exempted.	Ditto.
(7) Any of the undermentioned persons, not being members of trans-border tribes:— (*a*) any Baloch belonging to any organized tuman while within the limits of the Dera Ghazi Khan district of the Punjab;	All arms except rifles, pistols, revolvers and daggers.		Those contained in section 13.

Persons or classes of persons.	Arms and ammunition.	Provisos and restrictions.	Prohibitions and directions.
(*b*) armed guards accompanying sheep, goats, asses and cattle under the provisions of the Frontier Grazing Regulation, 1874 (I of 1874); or (*c*) villagers residing in— (*i*) the North-West Frontier Province, or (*ii*) the Dera Ghazi Khan district or the Isakhel Tahsil of the Mianwali district of the Punjab.		When pursuing raiders or members of trans-border tribes or Balochis who have committed or attempted to commit any offence in British India.	
(8) Any of the persons described in sub-heads (*b*) and (*c*) (*i*) of entry (7).	All arms and ammunition except rifles, pistols, revolvers and daggers and rifle, pistol, and revolver ammunition.		Those contained in sections 14 and 15.
(9) Every officer holding a commission from His Majesty the King-Emperor (whether in Staff, Departmental or Regimental employ) or of the Indian Land Forces, every person who has been registered under the Registration Ordinance 1917, and every warrant officer or Staff Sergeant of a British Unit of the Army (including a Staff Sergeant or warrant officer who is an instructor of an Indian Defence Force Corps). *Explanation.*—The term "commission" as used in this clause does not include a commission conferring honorary rank.	Single barrel rifles of ·303 bore required for match-shooting purposes.	1. Only one such rifle at a time shall be imported or used by any person hereby exempted. 2. The rifle shall be sighted to a range of over 1,000 yards. 3. The rifle shall, in the case of regimental officers, warrant officers, non-commissioned officers, and persons appointed to Corps of the Indian Defence Force become part of the equipment of the corps to which the owner for the time being belongs. 4. The owner shall, at the time of importation, produce a certificate from the Commanding Officer of the Corps, senior officer or Head of Department to which he belongs, to the effect that, in the case of regimental officers, warrant officers, non-commissioned officers, and persons appointed to Corps of the Indian Defence Force, the weapon will be brought on to the equipment ledger of the Corps and in the case of Staff and Departmental officers will be brought on to the equipment ledger of a Corps in the officer's command or office inventory of stores and will be accounted for in the same manner as other equipment. 5. This exemption shall, in the case of persons appointed to a Corps of the Indian Defence Force, cease to have effect on removal of the owner from the force: provided that, if he departs from India immediately after so being removed, he may take the weapon with him. 6. Any person hereby exempted may dispose of his rifle to another person so exempted, provided that the rifle becomes part of the equipment of the corps to which the latter belongs and is accounted for as such.	All.

Persons or classes of persons.	Arms and ammunition.	Provisos and restrictions.	Prohibitions and directions.
(10) Every warrant officer, non-commissioned officer and soldier in His Majesty's Army who is in possession of a pass granted and signed by his Commanding Officer. NOTE.—Warrant officers, non-commissioned officers and soldiers, British or Indian, must take out licenses for any private arms, but so long as they are in service, they will not be charged fees for such licenses.	Such arms, if any, as are provided by Government for sporting purposes.	This exemption shall apply only in respect of weapons and ammunition entered in the pass and to the areas and for the dates specified in the pass.	Those contained in sections 13 to 16.

SGPI, Delhi—1472 HD—1-4-19—3,363,

G. R. S. VI—G/32] alls

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SUBJECT.....

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Diary No. of letter replied to...15.965.....

Section Pol

File No. 190-18

Serial No. 2

GENERAL AND REVENUE SECRETARIAT

)

the 191 .

No. G 26316/one

Date of issue.....23.5.'19.....

To

The S. G. of Pohei.

Signed by.....for P. M.....

Sir

I am directed to forward herewith a Copy of the Resolution of the Govt of India received from the Residency, regarding certain amendments to the Indian Arms Act and the rules thereunder and to request you to be so good as to ~~state~~ let me have such observations as you may desire to offer in the matter of amending the Mysore Arms Rules on those lines

Yours etc

for

1/5

1895

for also Govt desire your views in the matter of amending the Mysore Arms Rules on similar lines.

D. M.

15/5

For Chief Sec

12.5.

12/5